1. Call to Order – P. Orenstein opened the meeting at 6:31pm; those present via zoom: Michelle Loubert, Meredith O’Connor, Anne O’Dwyer, Philip Orenstein. Town Manager Mark Pruhenski, Finance Director Sue Carmel. Absent: Tom Blauvelt

2. Review of prior meeting and its compliance with Open Meeting Law
   a. P. Orenstein stated he consulted with the Attorney General’s Office Open Meeting Law hotline regarding public access to the March 7, 2022 meeting. The AG’s view was the meeting did not violate the Open Meeting Law as there was normal zoom video access for the public even though the alternative option of zoom telephone access was not available due to a missing digit in the password provided on the agenda. The AG also suggested that the recording of the meeting be posted promptly on the Town website – which it was the following day.

   He also stated he was advised to summarize the meeting at this meeting and noted there was only one vote taken where the minutes were approved – and such vote would be repeated tonight. He summarized the items discussed at the March 7 meeting: vote to approve minutes of July 27, August 24 and September 28, 2021 meetings; operating budget update; Senior Circuit Breaker Tax information review; Senior Tax Deferral filing deadline to be updated; Property Tax Exemption and criteria update; Town staff future speakers at Committee meetings; calculation of Fire District tax bill; breakdown of room occupancy taxes into short-term rentals and traditional lodging; consultant study on the Residential Property Tax Exemption and public comments/feedback; and discussion of the Finance Committee’s meeting schedule. He encouraged anyone with questions to reach out to him directly.

   b. M. Loubert stated the recording can be found in the Town calendar under February 7.

3. Approval of Minutes
   a. Meetings of July 27, August 24 and September 28, 2021
      i. M. Loubert inquired why the minutes need to be reapproved since the meeting was legal – P. Orenstein stated the AG suggested revoting on the minutes.

   M. Loubert made a motion that the vote taken by the Finance Committee on February 7 approving the July 27, August 24 and September 28, 2021 meeting minutes stand as taken; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 4-0.

   b. Joint Finance Committee-Selectboard meetings February 1, 2, 8 and 9, 2022.

   A. O’Dwyer made a motion to approve the Joint Finance Committee-Selectboard meeting minutes of February 1, 2, 8 and 9, 2022; M. Loubert seconded. P. Orenstein asked if any discussion – P. Orenstein stated for the February 8 minutes on p. 2 should be corrected to OBEB. A. O’Dwyer also asked that the pages be numbered go forward. Roll call vote: M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 4-0.

4. Finance Committee member committee reports – P. Orenstein stated because T. Blauvelt was not in attendance this would be covered at the next meeting.

5. Discuss of replacement Finance Committee representative on Community Preservation Committee – P. Orenstein stated the Finance Committee would need to appoint a new representative to the Community Preservation Committee replacing T. Blauvelt. The Committee agreed to want until the after the election.
6. Update from Finance Director
   a. P. Orenstein stated the report was not in the packet, but asked S. Carmel to highlight anything notable. M. Loubert stated the report had been emailed to the Committee.
   b. S. Carmel stated the snow/ice budget is showing a deficit and next month there would be a reserve fund transfer by the Fire Department for equipment maintenance/repair. Otherwise, everything is on track. She also noted the March report would be good timing for a comprehensive review.
      i. P. Orenstein asked about the deficit in Public Works for office equipment – S. Carmel stated there will be a budget transfer that will resolve it.
      ii. A. O’Dwyer confirmed there has not yet been a Reserve Fund transfer this year.

7. Discussion of Town’s discretion over Unused Free Cash related to Cannabis tax revenue
   a. P. Orenstein presented on the Town’s unused free cash from cannabis tax revenue. He stated the Town’s available free cash balance is $1.75m due to cannabis taxes/fees paid by the marijuana establishments in GB. The discussion is to be focused on ambiguities in guidance and the Town’s discretion over the funds. He stated there are three sources of guidance: The Massachusetts DOR, Cannabis Control Commission and the host agreements.
      i. Regarding the DOR, P. Orenstein stated the guidance is clear that the funds can be considered free cash. A. O’Dwyer stated there was no ambiguity in the DOR’s position – it is just that different state agencies take different positions. S. Carmel noted state law takes precedence over host agreements and there is no ambiguity in accounting for the funds.
      ii. Regarding the host agreements, P. Orenstein stated there is flexibility in how the Town is allowed to use the funds, but guidance is not entirely clear. He noted the agreements state it is in the Town’s sole discretion, but states that is through a good faith allocation in specific areas. It does not refer to using funds to decrease property taxes.
      iii. M. Loubert stated “sole discretion” means within the parameters of the law.
      iv. A. O’Dwyer stated there have been challenges to what cannabis businesses are being asked to pay and we need to be prepared that funds may be recalled.
      v. Regarding the CCC, P. Orenstein stated there may be a need to substantiate that funds are being used in an appropriate way and there may be an impact on host agreement renewals. He continued to say the Town has been judicious in allocating funds – but there should be agreement on the remaining $1.7m.
      vi. M. Pruhenski stated there are no concerns about how the funds have been used to-date. P. Orenstein agreed and stated the objective is for the Finance Committee to give the Selectboard a recommendation on the remaining $1.7m. If there is full discretion, then directing it to free cash is fine. If there is a different view, it should be allocated more consistent with the host agreements.
      vii. P. Orenstein stated Town counsel should weigh in.
      viii. A. O’Dwyer asked what other towns are doing and if there is an effort to find consistency across agencies. She noted the DOR’s position rules and M. Loubert agreed.
      ix. M. Loubert stated the Town is going a good job in the allocation and there is no issue – it is more about go forward especially if the Town needs the funds, so to avoid a fire drill. She also stated it would be helpful to get Town counsel’s view.
      x. The Committee agreed a vote was not required to get Town counsel’s perspective.
8. Discussion and comment on draft list of future Committee priorities
   a. P. Orenstein stated there was a draft list of priorities in the packet and asked for comments now or at future meetings. He also noted this would be helpful for new Committee members.
   b. Regarding the priorities, A. O'Dwyer stated it is important to discuss the financial impacts of the High School renovation/build and noted there is not a lot of information at this point including whether this is in the School District’s budget. She also stated OPEB has been on the list for many years and suggested looking at how other towns handle it.

9. Initial discussion of scope of research relating to an OPEB funding trust (postretirement medical benefits)
   a. P. Orenstein stated the open question is whether the Town should prefund/segregate funds in a trust entity to cover this obligation over time. He stated GB’s liability is $20.5m and currently, there is no trust/prefunding. He shared examples of Lee and Lenox that have liability similar to GB’s, but are prefunding at 2% and 23.5% respectively. He noted the Town’s financial health is scored partially on how it handles this issue, but has not been a concern in the past. He stated establishing a trust to fund the liability must be approved at Town Meeting and it is a complex process for set-up, governance and reporting. He noted it is possible to set up a trust in the event the Town chooses to use it.
   b. A. O’Dwyer clarified that the liability is currently paid through the Town’s operating budget. She suggested contacting Lenox to understand how they operate their trust and the pros/cons.
   c. P. Orenstein noted the reason to have a trust is peace of mind for recipients and if there is excess cash it could go to the trust. He stated this would be researched further and the discussion would be continued once new Committee members are onboard.

10. Future meeting schedule
    a. P. Orenstein confirmed the next meetings are Tuesday April 19 @ 6:30 and Tuesday May 17 @ 6:30, but there may need to be a new schedule after that due to new members.
    b. A. O’Dwyer noted the May 17 may have to be rescheduled pending new member schedules.
    c. P. Orenstein acknowledged Tom, Meredith and Michelle have resigned from the Committee, but will stay on through the election to ensure there is a quorum.

11. Finance Committee Member Comments
    a. P. Orenstein stated he received notice too late to include in the packet that the School District is requesting Finance Committee approval to borrow $1.5m for a feasibility study.
       i. M. Pruhenski stated he and S. Carmel were meeting with BHRSD to establish a process and timeline - and they will follow up with the Finance Committee. A. O’Dwyer asked what the implications are of approving the borrowing and noted the high cost. M. Pruhenski stated school administration would make a presentation and answer questions.

12. Citizen Speak Time

13. Media Time


Respectfully submitted,

Stacy Ostrow, Recording Clerk